

# Exhibit B

## 1 TRANSCRIPT OF PROCEEDINGS

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3 In the matter of an arbitration between:

4 ACCURIDE ERIE LP )  
5 and ) Case No.  
6 U.A.W., Local Union No. 1186 ) 051117-00800-7  
et al.

7 - - -

8 Transcript of an arbitration hearing held before  
9 DONALD C. O'CONNOR, impartial arbitrator selected by  
10 the parties, held pursuant to the agreement between  
11 the parties, held in the training room of Accuride  
Erie LP, 1015 East 12th Street, Erie, Pennsylvania,  
commencing at 9:55 o'clock a.m., on Tuesday,  
October 25, 2005.

12 - - -

## 13 APPEARANCES:

14 On behalf of the Company:

15 Frederick C. Miner, Attorney  
16 Michael Pinson, HR Manager  
17 Dave Jude, Supervisor  
18 Aubrey Favors, Production Supervisor  
19 Dave Shindlecker, Former Supervisor  
20 Rose Russo, Former Supervisor  
21 Jerry Bruno, Supervisor

22 On behalf of the Union:

23 Louis C. Stagner, U.A.W. Int. Staff Rep.  
24 Gary Montroy, U.A.W. President, Local 1186  
25 Ronald Celeski, U.A.W. Recording Secretary,  
Local 1186  
26 Frederic E. Petrusch, Committee Person  
27 Greg Goodwin, Grievant  
28 Kevin Rouse, Witness  
29 John Plyler, Witness  
30 Scott Jones, Witness  
31 William McGill, Witness

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1 Any joint stipulations, before we get --  
2 other than joint exhibits, from the union side,  
3 that you can think of?

4 MR. STAGNER: None, that I can think of.

5 THE ARBITRATOR: There are joint exhibits,  
6 why don't we get them marked and for the record.

7 Off the record.

8 (Discussion off the record.)

9 (Thereupon, Joint Exhibits Nos. 1 through  
10 10 were marked in evidence.)

11 THE ARBITRATOR: We can go back on the  
12 record.

13 While off the record, the company and the  
14 union marked Joint Exhibits 1 through 10, with  
15 some of the joint exhibits having subparts,  
16 copies have just been given to me, and unless I  
17 hear any objections, I take it that the joint  
18 exhibits should be admitted into evidence.

19 Can we agree on an issue or issues that are  
20 before us?

21 MR. MINER: The issues are whether there  
22 was just cause for the discharge of Greg Goodwin,  
23 and if not, what is the appropriate remedy.

24 THE ARBITRATOR: Mr. Stagner, what's your  
25 thoughts?

1 MR. STAGNER: No objection.

2 THE ARBITRATOR: Okay.

3 MR. STAGNER: The issue sounds good.

4 THE ARBITRATOR: Okay. Give me the correct  
5 spelling of the discharged employee's name.

6 MR. MINER: G-o-o-d --

7 THE ARBITRATOR: G-o --

8 MR. MINER: G-o-o-d-w-i-n.

9 THE ARBITRATOR: That's the last name, the  
10 first name was --

11 MR. MINER: Greg, G-r-e-g.

12 THE ARBITRATOR: With so many joint  
13 exhibits, it is surprising we are able to state  
14 the issue so succinctly.

15 Were there any preliminary matters, before  
16 we have opening statements?

17 If not --

18 MR. STAGNER: Just one, Mr. Arbitrator.

19 We were asked to make sure that we give you  
20 the notice.

21 THE ARBITRATOR: Let's see. Why does this  
22 not surprise me.

23 You are familiar with that, I gather, it's  
24 been deferred.

25 MR. MINER: Yes.

1           testifying?

2                   MR. PINSON: I am.

3                   THE ARBITRATOR: You are testifying.

4                   The company's entitled to one  
5           representative. You will be the representative,  
6           then?

7                   Okay. Everyone else will have to leave,  
8           that is going to be testifying.

9                   MR. STAGNER: Does the president of the  
10          local get allowed to stay?

11                   THE ARBITRATOR: As a representative, yes.

12                   MR. STAGNER: Yes. Thank you.

13                   THE ARBITRATOR: With that, should we go  
14          off the record, arrangements should be made to  
15          usher the witnesses some place, where they can be  
16          reasonably comfortable.

17                   (Recess taken.)

18                   THE ARBITRATOR: Back on the record.

19                   The since it is a discharge case, the  
20          company goes first.

21                   Do you have an opening statement?

22                   MR. MINER: I have a brief opening  
23          statement.

24                   Thank you, Mr. Arbitrator.

25                   THE ARBITRATOR: Okay.

1                   OPENING STATEMENT - COMPANY

2                   MR. MINER: The case involves the discharge  
3 of an employee for participating in slow down  
4 activities.

5                   The case arose in approximately July of  
6 2004.

7                   The conduct that is at issue specifically  
8 spans the time period between May and June of  
9 2004.

10                  During that time period, employees and  
11 supervisors observed the grievant, Greg Goodwin,  
12 participating in slow down activities,  
13 encouraging his co-workers to slow down their  
14 production, urging employees to fuck the company.

15                  Supervisors and employees observed the  
16 grievant delaying startups, taking excessively  
17 long breaks, slowing robot speeds on automated  
18 equipment, and slowing production by distracting  
19 and interfering with co-workers.

20                  The company will be presenting testimony,  
21 not only from supervisors who observed this  
22 conduct, but also from hourly employees who, at  
23 some considerable risk to themselves, are  
24 nevertheless prepared to testify to the facts  
25 concerning Mr. Goodwin's behavior, again in May

1 and June of 2004.

2 The company became aware of a slow down as  
3 a result of an employee coming forward to express  
4 concerns about activities in the plant, in about  
5 mid June.

6 The company conducted an investigation  
7 between mid June and mid July, that included a  
8 number of employee interviews, review of  
9 production records, as well as interviews with  
10 supervisory and management personnel.

11 Mr. Goodwin was identified during the  
12 course of that investigation as a result of  
13 interviews with hourly employees and supervisors.

14 About two days after Mr. Goodwin was  
15 identified, he was placed on an administrative  
16 suspension, pending the investigation.

17 Subsequently, the company notified him of  
18 its preliminary determination to discharge him,  
19 and ultimately, on July 23rd, he was notified of  
20 his discharge.

21 The case couldn't raise a more basic  
22 question about the limits of acceptable  
23 industrial behavior.

24 The company's rules of conduct prohibit  
25 interference with production. The collective

1 bargaining agreement contains a comprehensive no  
2 strike provision, which includes slow downs and  
3 interference with production.

4 This case isn't about enforcement of the  
5 no-strike clause, with respect to a slow down.

6 Following the investigation --

7 THE ARBITRATOR: You say is not?

8 MR. MINER: It is not.

9 Following the investigation, and corrective  
10 actions that were taken as a result of the  
11 investigation, production returned to acceptable  
12 levels as early as late July, and by August and  
13 September of 2004, production records were being  
14 set in the plant.

15 The experience of the company, with the  
16 evidence of production shortfalls, and declines,  
17 through the months of March through June of 2004,  
18 followed by the remarkable recovery of  
19 production, as a result of the corrective actions  
20 that we will explain to you, in July and August,  
21 provides very persuasive demonstration that in  
22 fact there was a slow down going on.

23 In any event, this case is specifically  
24 about the conduct of one employee who was caught  
25 red handed engaging in slow down activities.

1 MR. MINER: Thank you, Aubrey.

2 I would appreciate it, Aubrey, if you would  
3 wait with the other witnesses in the conference  
4 room, just in case we need to recall you, and our  
5 second witness will be Jerry Bruno.

6 THE WITNESS: I will send him over.

7 MR. MINER: Thank you.

8 (Witness excused.)

9 (Recess taken.)

10 - - -

11 JERRY BRUNO

12 Called as a witness by the company, having been  
13 previously duly sworn, was examined and testified as  
14 follows:

15 DIRECT EXAMINATION

16 BY MR. MINER:

17 Q Please state and spell your name for the  
18 court reporter.

19 A Jerry Bruno. J-e-r-r-y. B-r-u-n-o.

20 Q Can I call you Jerry?

21 A That's fine.

22 Q Where do you work?

23 A Accuride.

24 Q And which facility?

25 A Erie, Pennsylvania.

1 Q What is your job there?

2 A I am a machine line supervisor.

3 Q How long have you been a machine line  
4 supervisor at the Erie plant?

5 A February 2nd of 2004.

6 Q Impressive that you recall your first day  
7 of work.

8 A Well, it was Groundhog Day.

9 Q What are your job duties, as machine line  
10 supervisor?

11 A I oversee the day-to-day operations of the  
12 machine line production, changing over machines,  
13 making sure we get quality parts out to the customer,  
14 as well as any issues dealing with personnel on the  
15 floor, making sure I have enough people to run the  
16 machine lines efficiently.

17 Q What shift are you working on?

18 A First shift.

19 Q How long have you been on the first shift?

20 A About February of this year, 2005.

21 Q And prior to that time, what shift?

22 A Second shift.

23 Q How long were you on the second shift?

24 A From the day I started until February.

25 THE ARBITRATOR: You say second shift, so I

1 understand, what are the hours of the second  
2 shift?

3 MR. MINER: Thank you.

4 THE WITNESS: 2:30 to 10:30 p.m.

5 THE ARBITRATOR: 2:30 p.m. to 10:30 p.m.

6 Thank you.

7 BY MR. MINER:

8 Q Is the Erie plant a three shift operation?

9 A Yes, it is.

10 Q Is it currently running 24 hours a day?

11 A Yes, it is.

12 Q Do you know how long it's been operating as  
13 a three shift operation?

14 A Since I have been here.

15 Q How about weekends, do a lot of weekend  
16 work?

17 A More often than not, yes.

18 Q How about back in June and July of 2004,  
19 how many days a week were you operating?

20 A Seven days.

21 Q And today, still operating seven days?

22 A Yes.

23 Q Are you familiar with Greg Goodwin?

24 A Yes, I am.

25 Q How is it that you are familiar with him?

1           A       He was a machine line operator, when I was  
2 a supervisor.

3           Q       Do you know what shift he was working?

4           A       Third shift.

5           Q       Is he still employed at the plant?

6           A       No.

7           Q       Why not?

8           A       He was discharged.

9           Q       Do you recall when he was discharged?

10          A       I believe it was either June or July, 2004.

11          Q       You said he was a third shift employee.

12 Did you have any opportunity or occasion to supervise  
13 him directly?

14          A       Many times.

15          Q       How was that?

16          A       I work overtime, other supervisors have a  
17 day off, and I will cover on third shift.

18          Q       Do you know why Mr. Goodwin was discharged?

19          A       I have a good understanding, yes.

20          Q       What was that reason?

21          A       Slowing down production.

22          Q       Are you familiar with any slow down  
23 activities that Mr. Goodwin may have engaged in?

24          A       Yes.

25          Q       Could you please explain what those were?

1           A       On a given night, I was supervising the  
2 shift, and I was walking by machine line 7, and I  
3 noticed that the robot seemed to be operating slower  
4 than normal.

5           Q       And let me stop you just for a moment. Do  
6 you recall the date on this given night?

7           A       I believe it was July 9th, which was a  
8 Friday.

9           Q       Would that have been 2004?

10          A       Yes.

11          Q       Okay.

12                   I'm sorry, I interrupted.

13          A       No problem.

14                   I witnessed the machines going slower, and  
15 I went up to the robot teach pendant, which would tell  
16 me what percentage they are running at, and I noticed  
17 that they were running slower than normal, and I  
18 approached Greg and I asked him if there was any  
19 maintenance issues going on.

20                   And he told me everything was running  
21 great.

22                   And I asked him if there was any other  
23 issues with chucking.

24                   He says no, it is actually running good.

25                   I said, "Why are the robots running slow,

1 then?"

2 Q What are the normal robot speeds?

3 A The Okuma cell, which is the turning cell,  
4 is 65 percent, the Chiron cell, which does the  
5 milling, is 45 percent, and the coining cell is set at  
6 45 percent as well.

7 Q Maybe it would be helpful, maybe it would  
8 help here, if I add an illustration.

9 A Okay.

10 Q The arbitrator hasn't been out in the  
11 plant, but we have got a diagram of one of the machine  
12 lines, that may be helpful.

13 So we will mark this as Company Exhibit 1,  
14 please.

15 (Thereupon, Company Exhibit No. 1 was  
16 marked for identification.)

17 BY MR. MINER:

18 Q Jerry, what is Company 1?

19 A I'm sorry?

20 Q What is Company 1; what is the document I  
21 have just handed to you?

22 A This is a diagram of our machine line.

23 Q How many machine lines are there in the  
24 plant today?

25 A There are currently three.

1 Q And how about in July of 2004?

2 A There were just two machine lines.

3 Q Okay. Are they different, or are they the  
4 same?

5 A The two machine lines, at that time, were  
6 almost identical.

7 Q Okay.

8 A The only difference was, the turning  
9 process, which basically makes the outside of the  
10 wheel shiny, they had a different, small different  
11 setup between the two machines.

12 Q Does Company Exhibit 1 accurately  
13 illustrate what the machine lines looked like back in  
14 July 2004?

15 A Yes.

16 Q Okay.

17 Would you please walk us through this, from  
18 the right-hand side, where it says "Load", to the  
19 left-hand side, where it says "Unload", just identify  
20 what we are looking at, on this document.

21 A Okay.

22 The first circled area is what will be  
23 considered our turning cell. Again, where it  
24 basically brings a forged wheel into a machined wheel,  
25 basically makes the outside and inside of the wheel

1 shiny.

2 Q Is that the first cell on the right-hand  
3 side?

4 A Yes, the first one on the right-hand side.

5 Q Okay.

6 A The next cell would be in the middle, that  
7 is circled, is our Chiron cell, which does our milling  
8 process, basically puts the holes in the wheel.

9 The next cell, that is circled, is our  
10 coining cell. In the coining cell, we put a chamfer  
11 on the hand holes, so they are not sharp any more, as  
12 well as the valve hole, also put a slight polish on  
13 the wheel, and then the robot would load the wheel  
14 into a wash tank, it will go to the unload conveyor.

15 Q Tell us about how the machine lines are  
16 staffed, with reference to Company 1; where do the  
17 employees work around this line?

18 A For machine line 6 and 7, we have a total  
19 of five employees. We have one tag operator, which  
20 will load both machine lines, as well as relieve the  
21 operator, and the unload operator for breaks.

22 Q Okay.

23 A So it would be a total of five people.

24 Q Where are the --

25 THE ARBITRATOR: For two lines?

1 THE WITNESS: Correct.

2 BY MR. MINER:

3 Q Where are the other four employees,  
4 staffed?

5 A The other four employees, we have two  
6 operators for each line, and two unload operators.

7 Q What do the operators do?

8 A The operators for the line, they make sure  
9 that the machine line is running, we are into spec  
10 with our tolerances, putting out a quality wheel, as  
11 efficient as possible.

12 Q How about the end of the line operator,  
13 what are his obligations?

14 A The end of the line operator is the last  
15 person who looks at the completed wheel.

16 He determines if it is a quality wheel, to  
17 be valve stemmed and roll stamped, to be sent to our  
18 next customer.

19 He will rework the wheel if there are any  
20 defects in it, make it a better quality wheel to be  
21 sent and polished.

22 Q Do the employees rotate through these five  
23 positions?

24 A Yes, they do.

25 Q How often do they rotate?

1           A       On a daily basis.

2           Q       Are employees, machine line operators, are  
3 they responsible for adjusting robot speeds on the  
4 machine lines?

5           A       Yes, they are.

6           Q       What are the robot speeds?

7           A       For the Okuma cell it is 65 percent, the  
8 Chiron cell is 45 percent, and the coining cell is  
9 45 percent as well.

10          Q       How are those speeds determined?

11          A       They were determined by when the machine is  
12 done doing its operation.

13                 The robots are set up to be waiting for the  
14 machine to be done, not for the machine to be waiting  
15 for the robot.

16          Q       So what is 65 percent, for instance, what  
17 does that mean?

18          A       65 percent means that when the first  
19 operation is done, the robot is ready to take the  
20 wheel out of the first machine, and load a fresh wheel  
21 into it.

22          Q       What if the speeds were reduced to  
23 30 percent, now, what would the impact of that be?

24          A       The impact would be, the robots would be  
25 catching up to the machine being done. It, for all

1 intents and purposes, would be counter productive, we  
2 wouldn't need a robot, if that was the case.

3 Q How is it that employees are informed of  
4 those robot speeds?

5 A At the beginning of the shift, we will do a  
6 shift meeting, let the operators know if there is  
7 anything going on, any maintenance issues, that would  
8 hamper production.

9 Q Are there standard robot speeds?

10 A Yes, there are.

11 Q And what are those?

12 A 65 percent for the turning cell, 45 percent  
13 for the mill cell, and 45 percent for the coining  
14 cell.

15 Q Okay.

16 But are there any reasons that these speeds  
17 would be adjusted?

18 A There are various reasons, yes.

19 Q Okay. What are some of those reasons?

20 A If one of our Chirons is down, our mid line  
21 conveyor will load up with wheels, and at that time we  
22 aren't doing anything besides slowing the robot down,  
23 basically. Why have the robot hurry and wait for the  
24 next operation.

25 Q Now, I interrupted you, you had started to

1 tell us about an incident on July 9th, you had a  
2 conversation with Greg Goodwin, asked him whether  
3 there are any maintenance or operational issues, his  
4 answer was no.

5 A Uh-huh. Yes.

6 Q So, what happened next?

7 A I asked him why the robots were going  
8 slower, and his response to me, "Well, if that's the  
9 case, I will just turn the robot speeds up to a  
10 hundred percent."

11 Q What were the robot speeds set at, at the  
12 time you went to have your talk with Greg Goodwin?

13 A The Okuma cell was set at 50 percent, the  
14 Chiron cell was set at 35 percent, and the coining  
15 cell was set at 45 percent.

16 Q What was Mr. Goodwin's response?

17 A His response was, "Well, I can just turn  
18 the robot speeds up to a hundred percent."

19 Q What did you tell him?

20 A I told him that that is not a good idea, it  
21 would be unsafe, and to turn the robot speeds back to  
22 where they are supposed to be at.

23 Q How did that conversation end?

24 A It ended right there, and he turned the  
25 robot speeds up.

1 Q Did you go back and verify what those robot  
2 speeds were?

3 A Yes.

4 Q On the beginning of the shift that  
5 particular day, did you have occasion to check the  
6 robot speeds, right at the outset?

7 A Yes, I did.

8 Q What were the robot speeds set at  
9 initially?

10 A 65 percent, 45 percent and 45 percent.

11 Q Okay.

12 Was there any explanation, that you could  
13 observe, for why the robot speeds would be set lower  
14 than 65, 45 and 45, after your discussion with  
15 Mr. Goodwin?

16 A No.

17 Q So what did you do after that?

18 A After I requested he turn the robot speeds  
19 back up, I went and documented the incident.

20 Q Did you participate in an investigation of  
21 that incident?

22 A I forwarded the information on to  
23 Mike Pinson at that time, and we did have a sit down  
24 question and answer.

25 Q Do you recall when you forwarded the

1 information to Mr. Pinson?

2 A I would have forwarded it to him the Monday  
3 after the incident.

4 Q And do you recall what that date was?

5 A I believe it would have been the 12th of  
6 July.

7 Q Again, 2004?

8 A Correct.

9 Q Were there any other occasions on which you  
10 observed Mr. Goodwin with reduced robot speeds?

11 A No.

12 Q Any other slow down activities, in which --  
13 which were part of your investigation with Mr. Pinson?

14 A There was one other incident, we had an  
15 outside contractor in the shop to do some work, and  
16 while he was working, we were not able to run the  
17 machine line.

18 When the outside contractor was done doing  
19 his work, maintenance notified me that I was able to  
20 run the machine line again. At 9:00 p.m. I told Greg  
21 to go ahead and fire the machine line up.

22 Q Do you recall what date this was?

23 A I believe it was June 15th.

24 Q Of 2004?

25 A Correct.

1 MR. MINER: You bet I will.

2 THE ARBITRATOR: Okay.

3 Q Bill, where are you working currently?

4 A Accuride.

5 Q At the Erie plant?

6 A Yes.

7 Q How long have you been working at the Erie  
8 plant?

9 A I believe my hire date was May 3rd of 2004.

10 Q And what kind of work do you do there?

11 A I'm in maintenance right now. Facility  
12 tech.

13 Q How long have you been a facility tech?

14 A This is my third week.

15 Q And prior to that time, what kind of work?

16 A I was a CNC operator.

17 Q What is a CNC operator?

18 A Machine line operator. I took care of the  
19 13 machines, when I was operating, and we were on a  
20 rotation.

21 Q Okay.

22 A Which would go --

23 Q Did you start as a machine line operator on  
24 May 3rd, 2004?

25 A No, I started in production.

1           credibility, and what extent I should adopt any  
2           of his testimony.

3                   But with that, why don't we proceed.

4                   MR. MINER: Certainly. Yes.

5                   Thank you.

6 BY MR. MINER:

7           Q       So we were talking about Mr. Goodwin.

8           A       Uh-huh.

9           Q       I understand that you had conversations,  
10   you had interviews with Mr. Pinson, last summer.

11                   And I will ask you about those, but first,  
12   I am just asking you, myself, what you observed with  
13   respect to Mr. Goodwin's performance on the machine  
14   lines.

15          A       Okay.

16                   As far as which, what question are you  
17   asking me? Do you want to know what his performance  
18   was?

19          Q       Correct.

20          A       Generally, I mean, from a lot of, you know,  
21   people that would testify, I mean, as far as, you  
22   know, Gary or any of the --

23          Q       I am just asking what you observed.

24          A       Production was generally lower on Greg's  
25   line, you know, than it would be, you know, when other

1 people were operating.

2 Q Why was that?

3 A I don't know exactly what reasons were  
4 behind it.

5 Like I said, I was new.

6 Q What did you observe?

7 A I mean, Greg was kind of like a rebel, you  
8 know, I mean, like on the line and stuff, so --

9 Q In what way; what did he do, to be a rebel?

10 A I don't know. Just like, sometimes like I  
11 said, you know, he had -- I don't know how I can put  
12 it -- fooling around with Plyler, once in a while, and  
13 stuff like that.

14 THE ARBITRATOR: Fooling around, I'm sorry.

15 THE WITNESS: John Plyler. Like stuff like  
16 that, you know.

17 THE ARBITRATOR: Junk Piler?

18 THE WITNESS: Plyler.

19 THE ARBITRATOR: Is that a person, another  
20 employee?

21 THE WITNESS: He doesn't work here any  
22 more.

23 MR. PINSON: John.

24 THE ARBITRATOR: Okay.

25 Q So on occasion, he was fooling around with

1 John Plyler?

2 A You know, everybody tried to keep the job  
3 light and stuff like that but, yeah, they would goof  
4 around, whatever the case may be, once in a while,  
5 back and forth.

6 Q So what did you observe about Mr. Goodwin's  
7 behavior, that caused his production to be lower than  
8 others?

9 A Like I said, for, like, I never saw any  
10 slow down, you know, as far as that goes, or anything  
11 like that.

12 I know, at one occasion, and I was  
13 questioned about that one occasion, but --

14 Q What occasion are you talking about?

15 A The one occasion, Greg had went over to  
16 John's line, he was running 7, and John was running 6,  
17 and he had come back over, I didn't see what happened,  
18 but I know that John said, "You asshole, my line's all  
19 backed up," that one time, that was -- and there was  
20 another person there, that's why I brought that to the  
21 attention.

22 But I didn't see, actually, anything, I  
23 mean, as far as that goes.

24 Q Could you observe Mr. Goodwin's machine  
25 line running slower, when he was running it?

1           A       It appeared at times that it was running  
2 slower, but like I said to you when we met, I don't  
3 know, I was a brand new employee at that time, and I  
4 did not know the equipment.

5                   So I don't know.

6                   I mean, there is a lot of times when we are  
7 on the one Chiron, and we are supposed to run the  
8 robots slower, and things like that.

9                   So, you know, when I met with Jerry, to the  
10 point of meeting now, I didn't know my job.

11                  I mean, I did not understand, I did not  
12 know the machinery, I did not know the equipment, I  
13 had never worked with the equipment before, you know,  
14 before I had went to the machine line.

15                  So I mean, I don't -- I don't know how  
16 much, at that point, 16 months ago, that you asked me,  
17 to the point now, where I see how much this machine,  
18 you know, the machinery goes down on a periodic basis,  
19 you know.

20           Q       So what caused you to believe that his  
21 production was slower than others?

22           A       It just was.

23                  I mean, I don't know why it was, but I  
24 mean, any -- I mean, it's -- this company keeps  
25 records, you know, of stuff like that.

1                   They even have traceability on the  
2 machines.

3                   I am just saying, that for whatever reason,  
4 it may be, you know, his production was lower on a  
5 regular basis, I don't know.

6           Q       Did Mr. Goodwin ever say that he was  
7 running his equipment slower?

8           A       He never said anything like that to me, no.

9           Q       Did he ever say anything about slowing down  
10 production, to you?

11          A       No.

12          Q       Did he ever say anything about doing  
13 anything to the company?

14          A       I told you, that Greg had a bad attitude  
15 towards the company, occasionally.

16                   You know, you would come in, you know, and  
17 I made the statement, I don't know if I am supposed  
18 to, you know, use -- you know, the word, or whatever.

19          Q       Just tell us what he said.

20          A       Okay.

21                   Anyone that worked with Greg, and I am not,  
22 you know, saying this to hold it against him, or for  
23 him, or whatever, he would come in and say, you know,  
24 "Fuck the company," blah, blah, blah, you know, it  
25 could be a statement, you know, it could be -- a

1 Q Do you recall telling Mr. Pinson, that you  
2 observed Mr. Goodwin reducing robot speeds?

3 A No, I did not recall that statement, but I  
4 do know that I remember that was part of what my  
5 statement was, I had no chance to talk to Corey or to  
6 Dave Jude, who were also at the meeting, to see if  
7 there was a misinterpretation.

8 Obviously, I did say that the machine line  
9 ran slower, you know, and that could have been  
10 misinterpreted in some way.

11 But I don't recall stating that, no, at  
12 all.

13 Q Did you tell Mr. Pinson that Mr. Goodwin  
14 was horrible for this company?

15 A I said that he was a manipulator, and that  
16 he was a person that, you know, pretty much -- it was  
17 his way or the highway, you know what I mean.

18 I mean, Greg and I didn't have a real great  
19 relationship. Okay. I am not going to say that we  
20 did. We had several run-ins on different occasions.

21 But, that doesn't affect, you know, my  
22 testimony, you know, in any way.

23 I don't want to see anyone, you know, for  
24 worse off, in any situation.

25 Q Did you tell Mr. Pinson that Greg Goodwin

1 was the orchestrator of trouble in the machine lines?

2 A Occasionally, I felt that way, yeah. I  
3 mean, he was a rebel.

4 But that doesn't necessarily mean hand in  
5 hand with, you know, the production issue that you are  
6 speaking of. That's just -- I mean, yeah, he would --  
7 you know, he was a troublemaker on occasion,  
8 sometimes.

9 Q On what occasions?

10 A I never got a chance to look through the  
11 notes, I don't recall exactly every situation, that  
12 was 16 months ago.

13 THE ARBITRATOR: I understand you gave a  
14 written statement. Was a copy of it given to  
15 you?

16 THE WITNESS: No.

17 THE ARBITRATOR: And you haven't seen it,  
18 since you gave it to the company?

19 THE WITNESS: No. And I haven't -- I never  
20 signed anything, or anything like that, any paper  
21 with the company or anything.

22 THE ARBITRATOR: Who wrote the statement;  
23 did you write the statement?

24 THE WITNESS: No, Corey Miller wrote notes  
25 down, but I don't even know if they were

1 A No, he is not.

2 Q Why not?

3 A He was discharged for production slow down.

4 Q Who determined to discharge Mr. Goodwin?

5 A It was a collective decision.

6 I was involved in that decision, along with  
7 senior vice president of human resources, Robin Hamm,  
8 director of operations here at the Erie facility,  
9 Rick Klein, CEO of Accuride, Terry Keating, corporate  
10 counsel, Dave Armstrong and, you know, our counsel  
11 from to Ryley, Carlock & Applewhite.

12 Q When did you first become aware, or when  
13 did you first believe that there was a slow down going  
14 on in the Erie plant?

15 A I guess I became concerned about an  
16 unexplained decline in numbers in the spring of 2004,  
17 and being in HR, I am not a person that is normally  
18 very connected to the numbers, but as part of the  
19 leadership staff, I participate on a monthly facility  
20 review, and that's part of what we, you know, review,  
21 on a continuing basis.

22 I mean, it is part of our quality  
23 management system to look at a number of key metrics  
24 in the plant.

25 And, you know, other people noticed it,

1 especially in the span, especially in the forging  
2 area, we were running at some pretty low levels of  
3 efficiency.

4 Q And what, did you commence an investigation  
5 into what was causing that, that reduction in  
6 production?

7 A In mid June, when I just kind of stumbled  
8 into, you know, an employee that told me that there  
9 was, you know, some strange happenings on the shop  
10 floor.

11 Q And who was that employee?

12 A Aubrey Favors.

13 Q When did you meet with Mr. Favors, for the  
14 first time?

15 A Well, first time, in connection with this,  
16 I mean, was June 10th.

17 And I had him into the office, because we  
18 had just concluded, and it was an investigation that  
19 was really headed up by the HR coordinator,  
20 Corey Miller, but we had investigated a situation  
21 involving some, you know, he said, she said, type  
22 things, that supposedly took place in the locker room,  
23 and I was just kind of explaining to Aubrey, well, we  
24 just didn't find a whole lot there, and I was kind of  
25 wrapping up that investigation.

1 Q What did Mr. Favors tell you about a  
2 production reduction in the shop?

3 A Well, as the conversation turned to that, I  
4 mean, he told me some -- made a very specific  
5 statement about being told not to do a very effective  
6 job at the beginning of the shift, he was working in  
7 the heat treat area, and rather than -- he and a  
8 co-worker in the heat treat area had been accustomed  
9 to really starting a little bit before their shift  
10 start time.

11 And they would make some routine checks on  
12 the line, to make sure they got some parts over in the  
13 spin area, you know, in a pretty quick manner.

14 And he said he was told to sit in his  
15 chair, and to take a more leisurely attitude about  
16 getting the line started.

17 Q Who had told him to do that?

18 A Doug Ferguson.

19 Q Who was Doug Ferguson?

20 A Doug Ferguson was the president of the  
21 local union.

22 Q What else did Mr. Favors tell you?

23 A He said that in connection with the  
24 production effort, he said, he told me that he was  
25 accustomed -- people were slowing their equipment down

1 in the plant, that he would come back from a break,  
2 and he would find that his equipment was slower than  
3 what it was when he left to go to break.

4 Q Did he identify any individuals who were  
5 engaging in that behavior?

6 A Greg Goodwin.

7 Q Anyone else?

8 A I don't believe so.

9 Q Okay.  
10 What did you do, after this conversation  
11 with Mr. Favors?

12 A Well, I was just really not too sure what  
13 to do with it.

14 I didn't press Aubrey too much at that  
15 time.

16 But, I took my notes, and got with legal  
17 counsel, and pretty much the same group that I  
18 mentioned before, I am not sure that everybody was  
19 included in that like the first discussion, but it  
20 involved the director of operations, senior vice  
21 president of human resource, Robin Hamm, Craig Kesler,  
22 who was over the aluminum division at that time.

23 Q And what was determined, during that  
24 conversation?

25 A Made a decision to go back -- and I just

1 kind of took notes, as I could, during the  
2 conversation, so the first point was to go back and  
3 have a follow-up conversation with Aubrey, have  
4 someone in to take, you know, decent notes and, you  
5 know, probe a little bit more about that.

6 Q Okay.

7 A Which we did on June the 14th.

8 Q Okay.

9 Did you get additional facts from  
10 Mr. Favors, during that conversation?

11 A Essentially, we confirmed what he had told  
12 us about before.

13 But I don't think that there was anything  
14 startlingly new on the June 14th meeting.

15 Q So what came of this; what was your next  
16 step?

17 A Well, the next thing that happened, we had  
18 a conference call with pretty much that same cast of  
19 folks, and that was probably in a June 17, June 18  
20 time frame.

21 And, you know, at that time I mentioned I  
22 was kind of watching the numbers.

23 We had had a bad May, we had a target of  
24 something like 77,000 forgings that we needed to  
25 produce, and we were -- we finished May 6,000 forgings

1 behind.

2 By that point in June, our initial target,  
3 our first production goal target for June was 92,000,  
4 and by June the 16th or so, mid June, we were 17 to 18  
5 thousand forgings behind where we were supposed to be  
6 in the production forging plant.

7 And at that conference, on that conference  
8 call, Terry Keating, CEO of Accuride, said that  
9 looking at those numbers, he did not understand why  
10 they were in the aluminum business.

11 And, you know, with the information we had,  
12 and the numbers, and the trend, you know, we -- on the  
13 first decision we made, we said we were going to  
14 suspend Doug Ferguson pursuant to Article 7.2 of the  
15 contract; that we weren't going to really begin the  
16 investigation until after the shutdown.

17 We had a production shutdown that was  
18 scheduled at the end of June, and it was important  
19 that we, you know, get things done, we not have a lot  
20 of turmoil at that time.

21 So we decided to essentially postpone the  
22 suspension of Mr. Ferguson, and the beginning of a  
23 rather full-blown investigation, until that first  
24 Monday after the shutdown, which would have been  
25 July 7th.

1 restating his concern for his safety, the safety of  
2 his family.

3 He mentioned that he had talked to, I  
4 believe it was his father, or father-in-law, but who  
5 had worked at the Hammermill plant, which is closed,  
6 closed I guess about 2002 or so, so he understood the  
7 importance of coming forward with this information  
8 about Greg Goodwin.

9 Q Did he identify anyone other than  
10 Greg Goodwin as someone who was engaging in slow down  
11 activities?

12 A He mentioned some other people in the  
13 machine line. But there wasn't anybody that was, you  
14 know, guilty of slow down activity.

15 Q Okay.

16 What kind of activities did Mr. McGill  
17 contend were going on?

18 A Well, he said that, that Greg Goodwin was  
19 routinely, on a daily basis, coming in and telling  
20 employees, "Let's fuck Accuride."

21 Q Are you sure he didn't say that Mr. Goodwin  
22 was saying "Fuck Accuride"?

23 A I'm sure, I recall that, that's what he  
24 told us.

25 Q He told you that Mr. Goodwin was saying,

1 morning.

2 And we were just going to try to keep  
3 monitoring things on the machine line, because we  
4 really weren't sure what we were looking at.

5 And it was when, you know, Aubrey came  
6 forward, and Bill McGill came forward, that we started  
7 to look, and say, "Well, some of the stuff makes a  
8 little more sense now."

9 Q What was the result of your investigation  
10 in Mr. Goodwin's case?

11 A Well, we ultimately discharged Mr. Goodwin.

12 Q For what conduct?

13 A I'm sorry?

14 Q For what conduct, in particular?

15 A For participating in a work slow down, for  
16 slowing down the production effort.

17 Q Were any other employees disciplined at  
18 that time as a result of your investigation?

19 A Yes.

20 Q Who else?

21 A Doug Ferguson was disciplined at the time,  
22 Ed Gaddi.

23 Q Who is Ed Gaddi?

24 A Ed Gaddi was a hydraulic press operator.

25 Q And what discipline was he issued?

1 A He was issued two weeks' suspension.

2 Q What was the misconduct?

3 A He was running a hydraulic press with a  
4 dwell time of about 12 seconds or so, which is about  
5 eight to nine seconds too much.

6 Q Okay. And was consideration given to  
7 discharging Mr. Gaddi?

8 A Yeah.

9 Q Why was he issued a two week suspension?

10 A Well, Ed had, I am not sure how many years  
11 of seniority he had, he had about 40 years' seniority,  
12 and ultimately we couldn't prove that Ed is the guy  
13 that set the time where it was, and that was probably  
14 the biggest determinant in that.

15 And Ed was insistent that, "Hey, you know,  
16 I didn't" -- "I did not" -- "I didn't change the  
17 time."

18 And, he was pretty credible, and absent any  
19 other evidence, you know, we decided not to discharge  
20 him, because of that.

21 Q What is Mr. Gaddi's racial background?

22 A He is white, white male.

23 Q White male.

24 How about Mr. Ferguson?

25 A White male.

1 "Mike can't help you, you are the guy who knows who  
2 got on you about stealing the overtime, about making  
3 that remark."

4 Q Mr. Rouse is a white male?

5 A Yes.

6 Q Let me come back to Mr. Ferguson. You said  
7 he was disciplined. What specifically was the  
8 discipline issued to him?

9 A He was discharged.

10 Q During your investigation, did you review  
11 production data to determine whether a slow down could  
12 be verified, based on the metrics that the plant was  
13 seeing?

14 A I guess the numbers led me to be very  
15 concerned, and curious, about why we were seeing such  
16 a downturn in production, but the numbers straight up  
17 really don't tell you the full story with what is  
18 going on in the shop floor.

19 Q Let's take a look at a few of the numbers.  
20 I have got some documents here, that I would like to  
21 have marked as Company Exhibit 2.

22 (Thereupon, Company Exhibit No. 2 was  
23 marked for identification.)

24 BY MR. MINER:

25 Q This is actually a set of documents, Mike.